

PROB 12B
(12/98)

United States District Court

For

The Western District of New York

Request for Modifying the Conditions or Term of Supervision

With Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)



Name of Offender: Richard Badalamenti

Case Number: 1:14CR00156-001

Name of Sentencing Judicial Officer: Honorable Richard J. Arcara, Senior U.S. District Judge

Date of Original Sentence: March 18, 2015

Original Offense: Conspiracy to Import into the United States a Quantity of Ethylone HCL in violation of 21 U.S.C. §952(a), 21 U.S.C. §960(b)(3), 21 U.S.C. §960(a)(1) as it relates to 21 U.S.C. §963 and 21 U.S.C. §851.

Original Sentence: Thirty-three (33) months custody of the Bureau of Prisons to be followed by three (3) years of supervised release. Special conditions of supervised release are: substance abuse testing and drug treatment, if necessary; submit to search.

Type of Supervision: Supervised Release

Date Supervision Commenced: 9/28/16

PETITIONING THE COURT

☐ To extend the term of supervision for years, for a total term of Enter total # of years years.

☒ To modify the conditions of supervision as follows:

1. The offender shall reside at the Oriana House, of Cleveland, Ohio, for a period of up to four months, at the discretion of the U.S. probation officer, and the offender shall observe the rules of that facility. Oriana House placement to commence as soon as a bed is available.
2. The offender shall participate in an outpatient mental health treatment program directed by the probation officer.

CAUSE

The defendant completed his term of incarceration through the Bureau of Prisons on September 28, 2016, and relocated to the Northern District of Ohio upon release. Since that time, the defendant has used marijuana and has been arrested for Possession of Drug Abuse Instruments and Disorderly Conduct/Intoxication. This new arrest resulted in a three-year period of probation being ordered in Rocky River Municipal Court near Cleveland, Ohio. As a result of the drug use and arrest, the defendant was placed in inpatient substance abuse treatment at Community Assessment and Treatment Services in Cleveland, Ohio. He completed inpatient treatment and is now participating in weekly group and individual counseling sessions and outpatient treatment.

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Since that time, the defendant was again arrested for Disorderly Conduct and is suffering from anxiety and other mental health conditions.

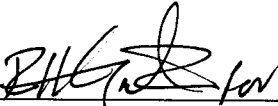
The probation officer supervising the defendant in the Northern District of Ohio is requesting the defendant's terms of supervised release be modified to include placement at the Residential Reentry Center (RRC) for a period of up to four months and also a mental health condition.

Attached is a Probation Form 49 which the defendant willfully signed waiving his rights to counsel and a modification hearing.

Additionally, enclosed is a Transfer of Jurisdiction request allowing the Court in the Northern District of Ohio to assume jurisdiction in this case.


If Your Honor has any questions, please do not hesitate to contact me at 362-5212.

Reviewed by:



John P. Taberski
Supervising U.S. Probation Officer

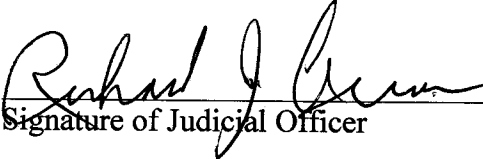
Respectfully submitted,

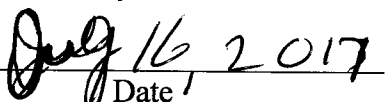
by 

Richard H. Galmarini
Supervising U.S. Probation Officer
Date: August 15, 2017

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer


Date

PROB 49 (11/91)

United States District Court

for

Northern District of Ohio

**Waiver of Hearing to Modify Conditions
of Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release or Extend Term of Supervision. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release or Extend Term of Supervision:

1. The offender shall reside at the Oriana House, of Cleveland, Ohio, for a period of up to four months, at the discretion of the U.S. probation officer, and the offender shall observe the rules of that facility. Oriana House placement to commence as soon as a bed is available.
2. The offender shall participate in an outpatient mental health treatment program directed by the probation officer.

Witness:

Signed:


Jordan Wlotzko
U.S. Pretrial Services and Probation
Officer


Richard Badalamenti

August 11, 2017
Date